

REMARKS

This Amendment is submitted in response to the Office Action dated October 5, 2005, having a shortened statutory period set to expire January 5, 2006. In the present office action, Claims 1, 6, 11 and 16-20 are amended. No new matter is added. Claims 1-20 are currently pending.

Rejections Under 35 U.S.C. § 112 and 101

In paragraph 4 of the present Office Action, Claims 17-20 are rejected under 35 U.S.C. 112, second paragraph for being computer program product claims that depend on a method claim 15. This error is caused by a typographical error, in which Claims 17-20 should depend on independent computer program product Claim 16. The present amendment has amended Claims 17-20 to reflect this dependence.

In paragraph 5 of the present Office Action, Claims 16-20 are rejected for claiming a "computer program product" rather than a "computer readable medium." The present amendment reflects such a medium.

In light of the presently presented amendments, Applicants respectfully request that these rejections be withdrawn.

Rejections Under Judicially Created Doctrine of Double Patenting

In paragraphs 7 and 8, Claims 1-20 are rejected due to U.S. Patents No. 6,934,107 and 6,865,506, having the same inventors as the presently pending application. Applicants respectfully traverse these rejections. Furthermore, Applicants believe that the presently presented amendments overcome any double-patenting issues that may or may not exist. Nonetheless, in an effort to promote the presently pending claims to allowance, enclosed is a Terminal Disclaimer related to the cited issued patents, thus obviating these rejections.

Rejections Under 35 U.S.C. § 103

In paragraph 11 of the present Office Action, Claims 1, 4-6, 9-11, 14-16 and 19-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ottesen et al.* (U.S. Patent No. 6,067,203 – “*Ottesen*”). In paragraph 12 of the present Office Action, Claims 2-3, 7-8, 12-13 and 17-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ottesen* in view of *Francis et al.* (U.S. Patent No. 6,754,035 B2 – “*Francis*”). Applicants respectfully traverse these rejections in light of the proposed amendments.

Ottesen teaches the general concept of cooling a disk drive by slowing down its rotation speed (*Ottesen*, col. 6, lines 50-64.).

Francis teaches slowing down movement of a head over a disk in response to the head's armature coil overheating (*Francis*, Abstract).

With reference to exemplary Claim 1 (and similarly claimed Claim 16), the cited art does not teach or suggest “setting a desired temperature range for a hard disk drive that is being tested, wherein the hard disk drive is tested by monitoring at least one Performance Measurement Unit (PMU), and wherein each PMU is a quantified measurement unit that describes any deviation from an optimal performance of the hard disk drive,” as supported in the present specification in paragraph [0031]. The Examiner states that the “testing feature is satisfied by the arrangement of *Ottesen et al.* at least by the temperature testing arrangement as disclosed.” Applicants respectfully disagree. There is no teaching or suggestion by *Ottesen* of setting a temperature range for testing, particularly with the use of PMUs. Furthermore, the cited art does not teach a method in which “amount of time required to reach the desired temperature range is minimized by keeping the hard disk drive in the second mode of operation until the desired temperature range inside the hard disk drive is reached,” such that “the minimized amount of time required to reach the desired temperature range results in a reduced number of PMUs being performed while the hard disk drive reaches the desired temperature range,” as supported in the present specification at paragraph [0032].

Continuing with Claim 1, the cited art does not teach or suggest "upon determining that the temperature, inside the hard disk drive is above the desired temperature range, changing the mode of operation of the hard disk drive from the second mode of operation to the first mode of operation, wherein the desired temperature range inside the hard disk drive is maintained after being reached through use of the second mode of operation," as supported in the present specification in paragraph [0035].

Furthermore, as claimed in Claim 1 (and similarly in Claim 6), the cited art does not teach or suggest "suspending a test program for the hard disk drive as long as the temperature inside the hard disk drive is below or above the desired temperature range," as supported in the present specification in paragraph [0035].

With regards to Claim 11, the cited art does not teach or suggest "A method for rapidly warming up a hard disk drive before testing the hard disk drive having a first and second mode of operation." Rather, the cited art teaches keeping a hard disk drive from overheating, but does not teach or suggest "setting a desired temperature range for a hard disk drive that is to be tested" and reaching that desired temperature range by using a "first mode of operation" that "generates more heat than a second mode of operation, until the desired temperature range is reached."

CONCLUSION

As the cited prior art does not teach all of the elements of the pending claims, Applicants respectfully request a Notice of Allowance for all pending claims.

No extension of time for this response is believed to be necessary. However, in the event an extension of time is required, that extension of time is hereby requested. Please charge any fee associated with an extension of time as well as any other fee necessary to further the prosecution of this application to **HITACHI DEPOSIT ACCOUNT No. 50-2587**.

Respectfully submitted,



James E. Boice
Registration No. 44,545
DILLON & YUDELL LLP
8911 North Capital of Texas Highway
Suite 2110
Austin, Texas 78759
512.343.6116

ATTORNEY FOR APPLICANT(S)